

Aging Committee has held hearings to highlight this issue, and the bill that will be coming before the Senate later today will take steps to strengthen the Federal response to this growing problem.

Of course passage by the Senate, while an essential step, is not the final step in reauthorizing this significant law. I look forward to continuing to work with the chairman, the ranking member, and our colleagues here and in the House to make the reauthorization of the Older Americans Act a reality this year. And how wonderful would it be if it could be a reality this month, which marks the 50th anniversary of this significant law.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABORTION

Mr. LANKFORD. Mr. President, I wish to take just a moment to speak about a subject that is very difficult for me to speak about and, quite frankly, difficult for a lot of Americans to speak about and hear about. It connects to all of us in extremely personal ways. Let me set some context.

Not long ago, a group of animal rights activists gathered around a research facility that was using animals for their testing. The activists gathered around the facility, chanted, and had signs they held up that said "It is not science, it is violence" and other signs that said "Animal lives are their right; we have just begun to fight" as they protested to protect the lives of the animals that were being used for research in that facility.

I understand their frustration, but let me put it in the context of some things that came out this week. We have learned that this week an organization called Planned Parenthood is using children who were aborted and sending the bodies of those aborted children to research facilities—sometimes for sale, different body parts—to be used in research. These are not mice. These are not lab rats. These are children—children who have gone through the process of a horrific abortion.

This morning, in an appropriations hearing the Presiding Officer and I both were in, we had an extensive conversation about the rights of orca whales. This protracted conversation went on and on—many people also were connected to this—about the rights of orca whales and about their care. Then we had a protracted conversation about horse slaughter and how horses would be humanely put down. But in the mid-

dle of all that conversation that happened today, there were children still being aborted with an instrument reaching into a mother and tearing apart a child but carefully protecting certain organs because those organs would be valuable to sell.

Now the challenge we have on this as a nation is the argument that that baby is not really a baby, that it is just a fetus, it is tissue. "That is not a human baby" is what everyone is told. "That is just tissue, and it is up to the mom to determine what happens to that tissue." And then on the flip side of it, moments later, they take that tissue and then sell it because it is human organs that are needed for research. You can't say in one moment that it is not a human and then sell it in the next moment as a human organ and now suddenly say it is. It was a human all the way through. There was never a time that wasn't a child. There was never a time that wasn't a human.

It seems the ultimate irony to me that we spend time talking about the humane treatment of animals being put down, such as in horse slaughter, and we completely miss children being ripped apart in the womb and their body parts being sold.

Here is how it happens. A mom comes into a facility, gives consent to have an abortion, makes that request. After that request is made, to some moms—and we don't know exactly how they choose which moms—to some moms they then ask consent for their child, after it is aborted, to be used for research purposes.

From the video that was put out this week, they said that was actually comforting to some moms, that as they know how traumatic the abortion is, at least some good would come out of it, that those body parts would then be used for research to hopefully save other children—which again comes back to the ultimate irony that we literally tear one child apart in an abortion with the assumption that hopefully that would actually help some other child in the future, missing out on the significance of the child who is right there who could be helped by protecting their life.

Then the doctor in this particular video gives the details of how once they get that consent from the mom, they would be careful to reach in and actually crush the head of the child to kill the child in the womb so they could preserve the rest of the organs because the kidney has value, because the liver has value, because the lungs have value, and because the muscles in the legs have value.

I would tell you that child has value and that every single adult who can hear me right now was once 20 weeks old in the womb. We can look at each other and understand that the difference between that child in the womb and any of us now is time. That is a human being we are talking about, and it doesn't bring me comfort to know that one child is torn apart so that

maybe they can do research on the child's organs so that at some future moment, it may help a different child.

Not every woman is being asked if her aborted child can be used for research, and we really don't know the why. Maybe they are looking for particularly healthy moms. Maybe they are looking for very mature, healthy babies. Maybe it is a situation where a particular mom couldn't afford to have the abortion procedure, and so they swap off and say: If you can't afford the abortion procedure, maybe we can cover the costs by then possibly selling some of these organs. We don't know.

But I think maybe the question needs to be asked why this Congress would spend time today debating horse slaughter and debating orca whales, and yet we have become so numb to children that the other debate doesn't seem to come up.

Maybe we need to start again as a nation asking a basic question: Is that a child? In our Declaration, we said every person, we believe, is endowed by our Creator to life, liberty, and the pursuit of Happiness. Maybe we need to ask again as a nation, do we really believe that?

Let's start with some basic things. How about a child of 20 weeks who we know scientifically can feel pain cannot have their limbs ripped apart in an abortion. There are only seven countries in the world that allow that. We are in a prime group—like North Korea and China—of nations which still allow abortions that late. We should ask that question again: Is that really who we are as America?

Maybe we need to ask the question again to Planned Parenthood, to which we give half a billion dollars in funding. Maybe this is not a good idea. Other organizations that serve people all over the country raise their funds separately and don't do it with Federal funds. Maybe that is a legitimate question we need to ask.

We have hard questions to deal with as a nation—budget, regulations, the future direction we are going. Why don't we add to the list? Do we really care about children or not? And on a day that we passed an education bill, before we pat ourselves on the back saying how much we care about children, let's make sure we are dealing with a compassion for children at every age, not just at certain ages. Have we really become this numb? And how do we turn it around?

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, are we in a quorum call?

The PRESIDING OFFICER. The Senate is not in a quorum call.

OECD BASE EROSION AND PROFIT SHIFTING PROJECT

Mr. HATCH. Mr. President, I rise today to express serious concern about an ongoing project at the Organization

for Economic Co-operation and Development, or OECD. It is called the Base Erosion and Profit Shifting—or BEPS—Project. BEPS is a program that is intended to address perceived flaws in international tax rules that have allowed multinational corporations to shift profits—but not necessarily corresponding economic activity—from high-tax to low-tax jurisdictions. These strategies, in some cases, had a negative impact on the tax basis of OECD countries, creating a need for solutions.

Unfortunately, it appears that the project has moved well beyond its original mandate, and many U.S. companies are rightly concerned that they may be facing significant negative consequences. This should concern all of us in government as well.

Let's talk for a minute about how we got to where we are today. In 2012, the G20 tasked the OECD with developing a comprehensive and coordinated approach to addressing certain aggressive tax-planning strategies. As we all know, the G20 is an international forum for governments and central bank officials from 20 major economies around the world which meets periodically behind closed doors to discuss financial matters and, even though it has no formal charter, arrive at agreements.

The G20's direction resulted, at least in part, because of the BEPS project. It was originally supposed to be limited in scope, with a focus on discrete actions to address inappropriate tax avoidance. The idea was to find ways to possibly arrive at consensus on how to prevent those strategies that result in very little or no taxation of profits or what some have come to call "stateless income."

The OECD released what it called its BEPS Action Plan in 2013. The plan identified 15 action items for changes in tax policy. Among those action items were recommendations to modify domestic laws to, one, strengthen controlled foreign corporation or CFC rules and limits on interest deductions; two, prevent tax treaty abuse; three, increase taxpayer reporting requirements and information sharing among governments; and, four, develop a multilateral instrument to implement certain BEPS actions.

Discussion drafts have been released on many of the action plan items and final reports are anticipated to be finalized and delivered to the G20 later this year.

The Obama administration's Treasury Department has been actively involved in the BEPS project. Last summer, Deputy Assistant Treasury Secretary for International Tax Affairs Robert Stack stated that "failure in the BEPS project could well result in countries taking unilateral, inconsistent actions thereby increasing double taxation, the cost to the U.S. Treasury, and the number of tax disputes."

Now, given this and other statements from Treasury officials, it appears

Treasury believes its role in the BEPS project is to protect the U.S. tax base from erosion and to protect U.S. multinational companies from actions from other countries that could lead to double taxation and time-consuming disputes. In that regard, Treasury has been actively negotiating on behalf of the U.S. Government to reach consensus on the BEPS action items.

These are laudable goals. However, I do not believe these goals have been achieved. Indeed, just last month, Deputy Assistant Treasury Secretary Stack himself faulted the UK and Australia for taking unilateral actions targeting U.S. multinationals, possibly contrary to the commitments those countries have made in their treaties with the United States.

More importantly, I am very concerned there are bigger issues at play and that the BEPS project has far exceeded its original mandate. Once again, BEPS was meant to be limited in scope, focusing on the prevention of tax strategies that yield inappropriate results. Instead, it appears to have become a mechanism for rewriting global tax strategies—potentially including those commonly used by U.S. companies—behind closed doors without the input or consent of Congress itself.

As we all know, only Congress can make changes to U.S. tax law. Yet no representatives from Congress have been offered a seat at the table in any of the BEPS negotiations. Sure, the OECD has been quite forthcoming in meeting with Members and congressional staff, but in the actual BEPS deliberations, all the decisions are being made by unelected bureaucrats in Paris and not by anyone from the Senate or House of Representatives.

The Senate Committee on Finance, which I chair, is currently engaged in an effort that we hope will eventually lead to comprehensive tax reform. This has been a long-term effort and Members of both parties and both Chambers of Congress have been engaged in this endeavor for quite some time. Yet while Congress continues to work toward this long-term goal, the Treasury Department is negotiating the BEPS action items, which may attempt to commit the United States to make changes to our domestic tax laws, without any substantive input from Congress or Congress's tax-writing committees.

We know this is a problem. Indeed, certain positions already agreed to by the Treasury Department as part of the BEPS project could materially damage U.S. tax reform efforts. Congress and the administration need to work together on these issues. When I say "work together," I do not mean that Treasury officials should only periodically come to the Hill in order to brief congressional staff on decisions that have already been made. I mean administration officials should not make any commitments that could impact U.S. tax policy without adequate consultation and explicit agreement from Congress.

We all remember when, years ago, then-Treasury Secretary Geithner decided to reach an agreement with other officials in the G20 regarding funding for the International Monetary Fund or IMF. After reaching this agreement, without any significant input or consent from Congress, the Obama administration presented, and continues to present, the issue of altered IMF funding as an "international commitment" the administration made and Congress must honor.

Put simply, that is not an appropriate model for pursuing and achieving changes to U.S. law. And if the administration intends to use a similar model for the changes recommended by the BEPS project, that is, as the saying goes, a dog that just won't hunt.

I am going to put this as simply as I can. Congress is the steward of the American taxpayer resources. Those resources are not bargaining chips for international agreements that may or may not advance our Nation's interests. Make no mistake, international cooperation and consensus are important. I don't object to unified actions toward common goals and shared objectives, but when the resources of U.S. taxpayers are on the line—as they appear to be with the BEPS project—Congress must play a significant role.

Once again, some of the BEPS action items would commit the resources of U.S. taxpayers either in the form of alterations to tax rules governing the taxation of U.S. multinationals or in the form of resources American taxpayers will have to expend in order to abide by the terms of the BEPS action items.

Last month, the OECD held a conference on the BEPS project here in Washington, DC. Prior to the conference, the House Ways and Means Committee chairman, PAUL RYAN, and I sent a letter to Treasury Secretary Lew outlining our concerns with several of the actions proposed under the BEPS project, including country-by-country reporting, "master file" documentation, potential limits on interest deductibility, and others. Those specific proposals could have far-reaching negative consequences for U.S. multinationals and the U.S. Government.

For example, consider the master file documentation scheme envisioned in the BEPS project. Under this proposal, companies would have to provide additional detailed and intricate information about their tax plan and business models to foreign tax authorities. If we impose this requirement on U.S. businesses, what assurances do we have that these foreign governments would keep the information confidential? I don't know, and no one from Treasury has told me.

What about countries with prevalent state-owned enterprises that would greatly benefit from this type of information? Wouldn't the BEPS proposal force U.S. companies to reveal sensitive information to foreign governments that either own or substantially

back competing enterprises? I don't know, and no one at Treasury has told me.

I could go on for quite a while about these proposals, especially given the broad scope of the BEPS project, the breadth of possible tax effects, and the potential negative impact these proposals could have on our companies and our economy. Needless to say, as the chairman of the Senate's tax-writing committee, I have many concerns.

Before any additional steps are taken, and before we can even consider moving on any of the BEPS action items, we need more information. In fact, the President's lead negotiator on BEPS, Deputy Assistant Secretary Stack, stated we need to slow down the pace of the BEPS work substantially.

We need to know more about the costs relative to the benefits of the BEPS proposals. We also need to know whether the IRS is capable of sharing sensitive tax information with foreign tax authorities without violating the confidentiality of American businesses. After all, the IRS does not have the best track record. Between the fraud and overpayment rates on various refundable tax credits and other breaches of trust at that agency, we have more than enough reasons to be concerned about whether the IRS can effectively and appropriately implement a plan for global information sharing.

To address these questions, I sent a letter today to the Comptroller General asking that the Government Accountability Office engage with me and my staff to begin an indepth analysis of these issues, so we can at least get a sense as to how the OECD's proposals might impact the U.S. economy, including employment, investment, and revenues. In the coming months, I will be reaching out to other experts as well.

It is difficult to imagine the analysis and discussions that would have to accompany consideration and adoption of BEPS-related rules and schemes can be completed by September, when the OECD has stated it hopes to render final action plans by the time of the next G20 meeting. But as I stated, even if final reports from the BEPS project are released on schedule, many, if not all, of the action plan items would need congressional action in order to be implemented in the United States.

So, again, I urge Treasury to work very closely with Congress on this and not tie our hands as we move toward tax reform by consenting to bad outcomes. I urge them to consider the interests of U.S. taxpayers and not make any commitments that would impose unnecessary burdens on American companies and put them at a competitive disadvantage.

The United States has always recognized the right of other countries to tax income earned within their borders, to the extent such taxation is consistent with treaty obligations. However, regardless of what some in other countries may think, the U.S.

tax base should not be up for grabs in an international free-for-all, and I expect officials at the U.S. Department of Treasury to remember that. In fact, I demand they remember that.

Mr. President, I will have much more to say on these matters in the coming weeks and months.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EPA REGULATIONS

Mr. ENZI. Mr. President, I rise today to speak about the economic effect of regulations coming out of the Environmental Protection Agency on the energy sector and particularly on fossil fuels and coal.

The State of Wyoming is the largest coal-producing State in the Nation. Coal represents almost 40 percent of our share of electricity generation across the United States. It is abundant, it is affordable, it is stockpileable, it can be clean, and it shouldn't be replaced through regulatory actions. But this administration continues to try to regulate coal out of existence.

In 2012, the EPA finalized a standard that requires a strict reduction in air emissions from electric-generating utilities. It is known as the mercury and air toxic standards rule. Like many of the rules coming from the EPA, the costs of this regulation are great and the benefits are very limited.

EPA estimates the rule will create between \$500,000 and \$6 million in benefits. That sounds like a lot of money. But related to the mercury reductions, the cost is \$10 billion annually—\$10 billion annually—for a return of \$500,000 to \$6 million. That is a pretty big range. It indicates there probably isn't a lot of calculation into how that came into being or much transparency so we can see how that came about.

The \$10 billion annual cost will be to consumers of electricity. Those are costs that aren't allowed to be recouped. Now, many of those have already been put in place. They become part of the rate base, and, under most of the laws dealing with utilities, they are allowed to make a return on that. So there wouldn't be a huge protest for it. It is a lot of upfront cost for them, but they get to recoup that over a period of time. We have to be sure that when we are making regulations, we don't flood a whole bunch of them in there that have huge costs and very little benefit.

We just had a hearing on this a short time ago on the homeland subcommittee on regulations, talking about how all of those costs come

about. Well, the actual cost of doing it is pretty easily calculable. There are things that have to be bought and put in place and construction done in order to get it done. The benefits? It is a little hard to find out where those come from, and a lot of the things aren't clearly cut so that the problem comes from a single spot. Often there are a lot of things involved, but there is a tendency to pick on one place.

Three years after the rule was finalized, the Supreme Court has ruled that the EPA should have considered costs before determining to regulate mercury from fossil-fired powerplants. The cost-benefit ratio, assuming the EPA's best case scenario, is approximately 1,600 to 1. The Court's majority opinion called this an overreach and stated: "The Agency gave cost no thought at all, because it considered cost irrelevant to its initial decision to regulate."

Since these standards began to take effect in April, utilities have already retired or plan to retire coal-fired plants to comply with cuts in emissions. Sometimes it is cheaper to shut them down than it is to make the changes. The courts did not issue a stay on implementation, so companies began installing the mandated controls to meet the deadline for compliance. These costs will be passed on to consumers and will result in higher electricity prices. On average, a household could see their electricity bill go up by \$400 a year—a cost that will disproportionately impact those with lower, fixed incomes, such as many older Americans.

In 2012, Congress had a chance to use the Congressional Review Act to stop this devastating rule from moving forward. The Congressional Review Act gives Congress the ability to disapprove rules that go beyond what Congress intended. It requires a simple majority for passage and was a legislative vehicle available to stop the MATS rule from moving forward. Unfortunately, it was rejected by the Senate majority at the time.

With the process, you have to get a petition with a lot of signatures on it, and then you are guaranteed 8 hours of debate and an up-or-down vote. Of course, after it goes to the Senate, it also has to go to the House. And after it goes to the House, it then has to go to the President for his signature. The rules and regulations are done by Congress, not by the President. The President is the enforcer of the rules that we supposedly put in place. So it should not take a Presidential signature to stop the action if the House and Senate agree. In this case, it was rejected by the Senate majority. It wasn't until this lawsuit filed by State Governors was finally decided that the Agency was called out for charging ahead with this disastrous rule without considering the consequences.

Ratepayers shouldn't have to wait this long for the correct decision. Congress has to stand up to this runaway